

Summary Minutes
City of Sedona
Planning & Zoning Commission Work Session
Vultee Conference Room, 102 Roadrunner Drive, Sedona, AZ
Thursday, September 1, 2016 - 3:30 p.m.

1. VERIFICATION OF NOTICE

The Chair confirmed that the work session had been properly noticed.

2. CALL TO ORDER & ROLL CALL

Chair Losoff called the work session to order at 3:30 p.m.

Roll Call:

Planning & Zoning Commissioners Present: Chair Marty Losoff, Vice Chair Kathy Levin and Commissioners Eric Brandt, Avrum Cohen and Gerhard Mayer. Commissioners Randy Barcus and Larry Klein were unexcused.

Staff Present: Warren Campbell, Roxanne Holland, Audree Juhlin, Cari Meyer and Donna Puckett

3. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS

Audree Juhlin announced that the selection process for the two upcoming seats has closed. Both Eric and Kathy resubmitted to re-up and we didn't receive any other applications. Chair Losoff noted that the process was made easier in that they didn't have to complete new applications and he is glad they are both reapplying.

Audree Juhlin then advised the Commission that staff is in the process of hiring a new consultant to update the Land Development Code, and we had an RFP out earlier this summer and received seven proposals in response to our mailing to over 100 different consulting firms. Those seven firms were whittled down to three consulting firms, and we interviewed all day yesterday. We are now in the process of deciding which consultant we want to contract with for that scope. Audree then confirmed that we don't have any dollar figures yet, and the Chair added that will be very important, because at least 95% of our work is based on land codes, and he can see the Commission being very involved in that whole process, which will include open meetings, forums and other feedback, etc. Audree Juhlin noted that it will be about an 18-month process, and we have already started when the Commission started providing input a number of months ago. The Chair also commented that it will dovetail with the traffic study, so at some point, they will have to really mesh, so he sees some busy agendas next year.

4. DISCUSSION REGARDING PROJECT UPDATE SUMMARY

Chair Losoff referenced the Sky Ridge Subdivision and indicated that the approvals were July 2014. He then asked how long they have to act on it, and Cari explained that the Commission saw it in July of 2014, and then it went to the City Council in October for the Preliminary Plat approval, and the Final Plat was approved in April of 2015. The next step would be receipt of their financial assurances to bond the utility work or to build it themselves. They haven't started that work and we are unsure of their intentions right now, so we checked with the City Attorney's office regarding any time limits on the Final Plat, since those aren't spelled out as clearly as for the Preliminary Plat.

The Chair stated that we also gave a Temporary C of O to Tlaquepaque, and asked what the conditions are that we are waiting for. Warren Campbell indicated that there were some issues with some plumbing in a bathroom and some fixtures, but he doesn't think there was anything exterior.

Commissioner Cohen asked if the crosswalk in front of Tlaquepaque was being monitored for traffic, and Roxanne Holland explained that it is being monitored; there were some provisions put in

place with their Conditions of Approval and those included depositing some money in an escrow account for the City to use to make any improvements, and we are in the process of securing some lights for either side of the crosswalk to increase the lighting at night, and then we will continue to use that money as things play out. The Chair asked if State involvement is needed in this and Roxanne indicated no, not to install the lights; the City has an IGA with ADOT to be able to maintain those lights.

Commissioner Mayer asked about being able to push buttons at the crosswalk, and Roxanne explained that there were a number of complications with installing that. They could not secure an electrical service for it, and we couldn't put solar panels in because of the trees there, so at this time, we have said we don't need to install that per the original Development Agreement, and instead, they have placed the money they were to expend on that into the escrow account for the City to pull from to make improvements. Commissioner Mayer talked about his concern and mentioned that most of the people don't stop; they just drive through and it is dangerous.

Chair Losoff asked what the problem with the electrical was and Roxanne explained that there was an electrical service identified on the ADOT as built, when they did the improvements for S.R. 179, but it is not there, so there is no electrical service.

Commissioner Cohen stated that when people leave the "Y" and come down that hill, half of them are training to drive racecars at the Indianapolis 500, and the other part is coming from the other traffic circle if you have a truck in front of you; you can't see the crosswalk, so he would ask Engineering to consider a sign at each end saying "Crosswalk ahead". Roxanne indicated that they can look to see if that is more . . . , Chair Losoff interrupted to say that this is only an update agenda item, but he would suspect that the consultants have studied some of that and they may have some ideas too, but it would be important to follow-up on some of these concerns. He is sorry that we can't get the push-button light, but it seems that there are only four stores, plus a little restaurant, so he is not sure how much pedestrian traffic is going to occur.

Vice Chair Levin stated that she goes by there several times a day and she is underwhelmed by the amount of pedestrians; they just don't exist and they are a little hesitant. They don't come right up to the curb and wait, which is interesting. There are fast drivers going southbound, but going northbound, you can't come out of the roundabout fast, but there are very few crossings. Roxanne explained that as part of the Transportation Master Plan, the consultants are looking into that crosswalk, and as part of their Conditions of Approval, they are to provide a traffic control for large events, so they are supposed to provide crossing guards.

Chair Losoff noted that the Sky Ranch will be coming back to the Commission for an extension and Cari stated yes, that is the plan. Commissioner Cohen then asked if we have a better date for when CVS will open, and Cari stated no, the building is getting close, but she doesn't think they have started the inside. Chair Losoff then asked about their landscape and Cari stated that they are slowly getting to where they need to be, but it is not done yet.

Chair Losoff then stated that the Commission has a joint meeting with Council on wireless; however, Audree Juhlin explained that staff would get into that on future meetings.

5. DISCUSSION REGARDING THE FOLLOWING ITEM ON THE PLANNING & ZONING COMMISSION'S PUBLIC HEARING AGENDA FOR SEPTEMBER 6, 2016

- a. Discussion regarding a request for a Conditional Use Permit to operate an open air business (including outdoor entertainment) at 2575 State Route 89A (Vino di Sedona). A general description of the area affected includes but is not necessarily limited to the area southwest of the intersection of State Route 89A and Andante Drive. The subject property is approximately 0.52 acres and C-2 (General Commercial). The subject property is also known as Assessor's Parcel Number 408-24-017. Applicant: Vino di Sedona/Wes and Rebecca Schemmer Case Number: PZ16-00005 (CUP)**

Cari Meyer indicated that this request is for a Conditional Use Permit for outdoor events at Vino di Sedona, an existing wine bar, and as best as staff can tell, it has operated in this capacity since 1949 under various ownerships and names, but with the same type of use. They currently have been in operation since November, and their occupancy permit was issued with a set number of occupants and areas, so they are not asking for an increase, but to be able to add outdoor entertainment on their patio on a regular basis.

Cari stated that the Land Development Code allows restaurants with outdoor seating, but that means they can drink wine and eat their food, but they can't do anything else without a Conditional Use Permit or a Temporary Use Permit. They have gotten a number of Temporary Use Permits for events, but this permit would allow them to do that on a regular basis and not have to come and ask each time they want to do it, and also to have nightly entertainment with some low-key music.

Cari noted that they have included their entire outdoor patio on the Conditional Use Permit, and their occupancy permit only allows them to use a portion of it, mostly due to building and fire codes and possibly some parking things, but they are currently addressing those issues that would allow them to have more people back there, and by submitting the Conditional Use Permit in the way they have. If they are successful in meeting all of those requirements, they would not have to come back and amend their Conditional Use Permit to include the additional area in the future.

Cari indicated that she had talked with Code Enforcement and they received one complaint about 1½ years ago, but nothing since then. Their events are generally very low key and Code Enforcement has no concerns with this becoming a more permanent occurrence. Cari then explained this is to get any questions or additional research needed before the public hearing.

Commissioner Cohen then congratulated them on a great patio and asked what kind of events they are talking about; he is concerned about noise and he noted that they are pretty connected to the hotel that used to be the Super 8. He then asked if they had discussed that with them in terms of their guests and any noise that might affect their operation.

Wes Schemmer, Owner, Sedona, AZ: Stated that they have owned the business for almost two years, and they are very aware of past issues at that location, so they respect the City's concerns regarding sound. On a consistent level, they want to have outdoor entertainment for music, but they are not talking about bands, large rock 'n roll, etc., that have caused issues in the past at that location and others. Their interest has nothing to do with that; their interest is conversational music. If he and his wife can't have a conversation in the same room during the same period, it is too loud. That is the way they look at this, and to be frank, they experimented a lot and they don't want to bring in bands or groups that would create issues regarding noise. Every once in a blue moon, somebody gets off a high note, but that is a little different; there is no consistency with that.

Chair Losoff noted that he likes the way Mr. Schemmer says that if you can't have a conversation it is too loud. Restaurants have a tendency to think music is great, but you can't hear each other. Mr. Schemmer then commented that a lot of musicians go deaf over the years and they play louder to hear themselves. Mr. Schemmer indicated that they are in front of the Super 8 and they are very conscious of that; they know that the businesses had issues with that, but they work really well with the Golden Goose and Thai Spices. They consider them friendly and they give each other business; their communication has been really good. The Super 8, not so much, because they have a management structure, so he has never met their owner, but the owner of their business, Al Felicione, spoke with the owner of the Super 8 and they are in support of their quest to get this permit. There has been, in the last two years, one or two times when they got a phone call saying that customers were parking in their lot and they address that immediately. They stop everything if they think people are parking where

they shouldn't be and address it immediately. They also have five or six signs posted about no parking in those areas and they refer to the public parking on Stutz Bearcat.

Commissioner Cohen indicated that there aren't too many homes behind them, and Mr. Schemmer agreed; they are in the Commercial zoning. The Commissioner noted that sound carries, so he wondered if some of the neighbors had weighed-in. Cari explained that as part of the process, the neighbors were contacted and staff hasn't heard from any of them. Generally with sound issues, Code Enforcement would have heard something with the events they have had, and Glenn Sharshon has been out there to monitor the sound at their events, and he had no concerns. Chair Losoff asked about the location of the closest house and Cari stated that right behind them is the hotel, so there are no houses directly adjacent to them. Then, there are the ones that you saw with the Super 8 project.

Commissioner Cohen then asked about their hours of operation for the music, and Rebecca Schemmer stated from 7:00 p.m. to 10:00 p.m. is their typical time for entertainment; sometimes it is a little earlier. Commissioner Cohen noted that he wasn't worried about earlier. The Chair then asked how often they might have the special events, and Mr. Schemmer explained they look at this in a separate context. In regard to a special event, they like to do community support things; they did a fundraiser for 9/11 and one for Northern Arizona Oncology. Ms. Schemmer clarified that it was for Sedona Women, and Mr. Schemmer expressed that they like to make their place available for such . . . , Chair Losoff then interrupted to ask staff if 10:00 p.m. meets the Sound Code Ordinance, and Audree Juhlin explained that you could have noise all night long, it is just that the level of noise decreases at 10:00 p.m. You could still have music, but it has to go to a lot lower decibel level. The Chair then asked if staff periodically checks that out and Audree indicated yes, and we also work closely with the Police Department, and so far we have had zero concerns in the last year.

Commissioner Mayer stated that he enjoys the establishment and we need something in West Sedona. He then asked if, when they are talking about a permanent issue of having entertainment until 10:00 p.m. on the back patio and special events, that will increase the 20 seatings outside? Mr. Schemmer referenced the old small patio and explained that the Fire Marshal wants an exit plan there, coming toward the front and the old brick wall, but they are looking at that as a separate entity to getting this permit. The Commissioner then stated that he is referring to a special event and having entertainment with 20 people seated outside on the patio; special events seem to be something beyond 20 seats. Audree Juhlin stated no, and explained that they are limited by their occupancy and until they create their extra egress, they are restricted, whether it is a regular event or a temporary event.

The Commissioner then asked about once that exit is created, and Audree added that then their occupancy could increase and they could expand. Cari Meyer indicated that is one of the reasons why the recommendation is for a three-year permit, to allow them to figure this out and determine how many it would increase by and give them some ability to prove themselves. Cari also stated that the occupancy could be increased when they get the Fire Department and Building Department approvals, but with this recommendation, they would come back in three years to show they have been able to keep the noise at an appropriate level and we would look at complaints, etc.

The Commissioner asked if they could go ahead and create that emergency exit and Mr. Schemmer stated they plan to do that as soon as they can, and when that time comes, they will address it. Commissioner Mayer stated that he assumes that they want to go for the special events right away, and Mr. Schemmer stated that they don't want the Commissioner to think they are constantly going to have special events, because they are not, and the Commissioner stated no; he is just saying that as a business owner, he would create that right away, whether you have special events or not, because you don't want to miss out on something that is for the community.

Vice Chair Levin noted that the Staff Report implies that it has been in that use since 1949, but that is not true. It has been remodeled, and she would say in the last 15 years. It was also a plant nursery and had a retail garden store; the walls were added on the outside, and then it was also a non-profit business for the adoption of animals, so it hasn't been in continuous use as a restaurant/tavern. Mr. Schemmer then stated that there has been a wine bar-like business there for about the last four years.

Commissioner Cohen asked about any traffic issues if they do entertainment. Cari explained that this is in a Commercial area on S.R. 89A and any increase in traffic wouldn't be going through the neighborhood, and as Audree stated, they are still limited by their occupancy, and since this is not increasing the number of people and just adding another amenity, staff doesn't anticipate traffic impacts. Chair Losoff noted that when the applicant asks for an expansion, then we would get into some of that, but not at this point.

For Tuesday's meeting, the Chair indicated that it might help if the aerial photo on page 15 could be expanded to identify the area around it. Cari then asked if the Chair wanted it to go as far as the residential properties and the Chair stated that would help; we don't have to worry about across the street. Noise is an issue throughout Sedona and we are all concerned about that, but there is nothing in this area that would be impacted.

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, September 6, 2016; 5:30 pm (Public Hearing)**
- b. Thursday, September 15, 2016; 3:30 pm (Work Session)**
- c. Tuesday, September 20, 2016; 5:30 pm (Public Hearing)**
- d. Thursday, September 29, 2016; 3:30 pm (Work Session)**

Cari indicated that on Tuesday, we have the public hearing for this Conditional Use Permit, and staff is recommending to cancel Thursday, September 15th, since the agenda items were going to be on the Community Plan Amendments, and it seemed that at the last meeting, the Commission didn't need another one. The public hearing for the Community Plan Amendments will be on September 20th. Chair Losoff then asked about the discussion on the Commission's meeting schedule and Cari explained that is going to take a little longer. Staff is looking at how to do that; it has to come to the Commission and go to the City Council, which is in your Rules and Procedures, so we are looking at updating that whole document, because it hasn't been updated since 1992.

Chair Losoff then asked if staff anticipates any public issues on the 20th, and Cari stated that we haven't heard any opposition from anyone in the public. Commissioner Cohen then asked about the date of the joint meeting with the City Council and Audree stated that will be on Wednesday, September 14th at 3:00 p.m. in the Council Chambers. The Commissioner then asked if the new Council will have been sworn in and Audree stated not until November.

Chair Losoff then asked about an item coming up to add an antenna, and Cari indicated yes, staff has one item for September 29th and that is for a work session on the Schnebly Community Focus Area, so that is anticipated to be a longer work session. The next Tuesday, there are a number of public hearings scheduled, including the Schnebly CFA; Article 15 of the Land Development Code for the Historic Preservation Ordinance, which the Commission has been working on for a number of years; a replacement wireless facility at Orchards, and some material changes to the warehouse that was approved. Those are on October 4th, but we don't anticipate them taking very long, and because of the time anticipated for the Schnebly CFA, staff is not recommending work sessions on these other items.

For clarity, Audree summarized that on October 4th, there would be a public hearing for the Schnebly Hill CFA; the minor changes to Article 15 of the Land Development Code related to historic preservation; a few minor changes to the warehouse that was approved a couple of months ago, and the wireless CUP.

Commissioner Cohen noted that October 4th is the second day of the Jewish holiday Rosh Hashanah, so some of the Commissioners will not be available, and Chair Losoff asked if staff thought the Commission would be ready to approve the CFA on the 29th. Audree explained if not, it can be continued to the next agenda, but it will be agendized for action.

Commissioner Brandt stated that he would not be available for the 29th and the 4th, and Vice Chair Levin indicated that she would not be available for the 14th.

Audree Juhlin then asked if everyone would be available on the 6th and Vice Chair Levin stated yes. The 15th was canceled, so Audree then asked about the 14th joint meeting with the Council and Vice Chair Levin was the only no. For September 20th, Commissioner Cohen stated that he would not be available and Chair Losoff indicated he was a maybe. Audree Juhlin then indicated that we would double check for a quorum on the 20th. For the 29th, Commissioner Brandt stated that he would not be available. Chair Losoff indicated he may not be available on October 4th, and Commissioner Brandt and Commissioner Cohen had indicated they would not be available, so Audree stated that we might have a quorum issue on October 4th and will have to look at that.

The Chair asked about putting the October 4th items on September 20th; however, Cari explained that they are past the noticing deadlines, and Audree Juhlin indicated that Donna Puckett would send out an email for a more formal response from the Commissioners.

7. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. Return to open session. Discussion/possible action on executive session items.**

There was no Executive Session held.

8. ADJOURNMENT

Chair Losoff called for adjournment at 4:08 p.m., without objection.

I certify that the above is a true and correct summary of the work session of the Planning & Zoning Commission held on September 1, 2016.

Donna A. S. Puckett, *Administrative Assistant*

Date